

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION) MDL No. 1456
) Civil Action No. 01-12257-PBS
) Subcategory No. 06-11337-PBS

THIS DOCUMENT RELATES TO:)
) Hon. Patti B. Saris
United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Dey, Inc., et al., Civil)
Action No. 05-11084-PBS; and)
)
United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Boehringer)
Ingelheim Corp., et al., Civil Action No. 07-)
10248-PBS)

**UNITED STATES' SUBMISSION OF WITNESS LIST, DEPOSITION
WITNESSES, AND EXHIBIT LIST PURSUANT TO FED. R. CIV. P. 26(a)(3)(A)**

Pursuant to Fed. R. Civ. P. 26(a)(3)(A) and the Court's Pretrial Order, the United States hereby discloses: (i) the names of witnesses it expects to call, or may call, at trial (the United States' Witness List, Exhibit 1, hereto); (ii) the names of the witnesses whose deposition testimony it expects to present, or may, present at trial (Exhibit 2, hereto); and (iii) the exhibits it expects to introduce, or may introduce, at trial (the United States' Exhibit List, Exhibit 3, hereto). Although the names of the witnesses whose deposition testimony the United States expects to present, or may, present at trial are attached at Exhibit 2, pursuant to the Revised Proposed Pretrial Schedule proposed jointly by the parties on March 8, 2010 (Master Dkt #6613, Sub. #709), the United States is serving, but not filing, the actual designations of deposition testimony it expects to present at trial. The parties have proposed to file with the Court the designations of testimony once counter-designations and counter-counter designations have been made.

In addition to the disclosures set forth in the Witness List attached hereto, the United States may call to testify at trial any witness whom a Defendant has identified in its witness list or for whom a Defendant has designated deposition testimony. The United States further reserves the right to call any witness whose deposition testimony the United States has designated, if the Court determines that the deposition testimony is inadmissible under Fed. R. Civ. P. 32.

With respect to the United States' Exhibit List, the inclusion of a document as an exhibit does not constitute an admission by Plaintiffs that the document is admissible in evidence, and the United States reserves the right to object to its admission in evidence if offered by a Defendant.

Respectfully submitted,

For the United States of America,

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Dated: March 16, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above document to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: March 16, 2010

/s/ George B. Henderson, II
George B. Henderson, II